



January 27, 2004

HOUSE BILL No. 1116

DIGEST OF HB 1116 (Updated January 21, 2004 5:19 pm - DI 108)

Citations Affected: IC 14-8; IC 14-20.

Synopsis: Historic site fees. Makes changes to the organization and duties of the division of state museums and historic sites and the division's board of trustees. Provides for the donation, exchange, and sale of items contained in the division of state museums and historic sites' collection. Establishes the historic site fund and requires the deposit of money generated by a historic site in the fund. Provides that at least 51% of the fees collected from a particular historic site must be used for the educational programs at the historic site and for the maintenance and operation of the historic site. (The introduced version of this bill was prepared by the natural resources study committee.)

Effective: April 1, 2004.

Lytle, Mangus

January 13, 2004, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

January 26, 2004, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1116—LS 6125/DI 77+



January 27, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1116

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-77, AS AMENDED BY P.L.145-2002,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 APRIL 1, 2004]: Sec. 77. "Division" has the following meaning:

4 (1) For purposes of IC 14-9-8, the meaning set forth in
5 IC 14-9-8-2.

6 (2) For purposes of IC 14-20-1, the meaning set forth in
7 IC 14-20-1-2.

8 (3) For purposes of **IC 14-20-1.1** and IC 14-21-1, the meaning set
9 forth in IC 14-21-1-6.

10 (4) For purposes of IC 14-22, the division of fish and wildlife.

11 (5) For purposes of IC 14-24, the division of entomology and
12 plant pathology.

13 (6) For purposes of IC 14-25.5, the division of water.

14 (7) For purposes of IC 14-31-2, the meaning set forth in
15 IC 14-31-2-4.

16 (8) For purposes of IC 14-37, the division of oil and gas.

17 SECTION 2. IC 14-8-2-107, AS AMENDED BY P.L.186-2003,

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SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
APRIL 1, 2004]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in
IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in
IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in
IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in
IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in
IC 14-12-1-1.

(6) For purposes of IC 14-12-2, the meaning set forth in
IC 14-12-2-2.

(7) For purposes of IC 14-12-3, the meaning set forth in
IC 14-12-3-2.

(8) For purposes of IC 14-13-1, the meaning set forth in
IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in
IC 14-13-2-3.

(10) For purposes of IC 14-16-1, the meaning set forth in
IC 14-16-1-30.

(11) For purposes of IC 14-19-8, the meaning set forth in
IC 14-19-8-1.

(12) For purposes of IC 14-20-1, the meaning set forth in
IC 14-20-1-3.

**(13) For purposes of IC 14-20-1.1, the meaning set forth in
IC 14-20-1.1-1.**

(14) For purposes of IC 14-20-11, the meaning set forth in
IC 14-20-11-2.

~~(14)~~ **(15)** For purposes of IC 14-22-3, the meaning set forth in
IC 14-22-3-1.

~~(15)~~ **(16)** For purposes of IC 14-22-4, the meaning set forth in
IC 14-22-4-1.

~~(16)~~ **(17)** For purposes of IC 14-22-5, the meaning set forth in
IC 14-22-5-1.

~~(17)~~ **(18)** For purposes of IC 14-22-8, the meaning set forth in
IC 14-22-8-1.

~~(18)~~ **(19)** For purposes of IC 14-22-34, the meaning set forth in
IC 14-22-34-2.

~~(19)~~ **(20)** For purposes of IC 14-23-3, the meaning set forth in
IC 14-23-3-1.

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~~(20) For purposes of IC 14-23-8, the meaning set forth in IC 14-23-8-1.~~

(21) For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

(22) For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

(23) For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

(24) For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

(25) For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

(26) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

(27) For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

(28) For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

(29) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

(30) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

(31) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

(32) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 3. IC 14-20-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 8. (a) The division consists of the following two (2) sections:

(1) The section of museums.

(2) The section of historic sites.

~~(b) The division director may not serve as the head of a section of the division.~~

~~(c) An individual may not serve as the head of more than one (1) section of the division.~~

~~(d)~~ (b) There must be a separate line item for each section of the division in each bill appropriating money to the division.

SECTION 4. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 9. The division may do the following:

(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic

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property, materials, items, sites, and memorials.

(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.

(6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

(7) Employ or contract with a person to manage or operate any aspect of the state museum or historic sites.

(8) Make and sell merchandise, including publications, reproductions, educational and craft items, and souvenirs.

(9) Pay royalties, license fees, and charges for exhibits, artifacts, artwork, and other materials.

(10) Notwithstanding IC 5-22-22, under policies adopted by the division in accordance with the code of ethics of the American Association of Museum:

(A) donate or exchange artifacts in the division's collection to or with a public or nonprofit museum, a historical society, a university, or a similar institution; or

(B) sell items in the division's collection at auction or public sale.

SECTION 5. IC 14-20-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 16. (a) The board of trustees for the division of state museums and historic sites is established.

(b) The trustees consist of thirteen (13) members as follows:

(1) The director of the department, who shall serve as chairman.

(2) Twelve (12) members appointed by the governor as follows:

(A) ~~One (1) member~~ Three (3) members of the Indiana State Museum Society Foundation who are nominated by the Society Foundation.

(B) ~~One (1) member of the Indiana State Museum Volunteers~~ nominated by the volunteers.

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~~(C)~~ **(B)** Two (2) members must be recognized supporters of historic sites **who are nominated by a recognized supporter of historic sites.**

~~(D)~~ **(C)** Not more than seven (7) members may be members of the same political party.

~~(E)~~ Not more than two (2) members may be from the same county.

~~(F)~~ Each congressional district in Indiana must be represented by at least one (1) member.

(c) The terms of the appointed members shall be staggered.

(d) The governor shall make appointments under subsection (b) in a manner to achieve diversity and geographic balance among the trustees.

SECTION 6. IC 14-20-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 22. The trustees shall do the following:

(1) Nominate, when the position of division director is vacant, a person to be appointed by the director to that position. If the director rejects a nominee's appointment, the trustees shall nominate another person.

(2) Recommend, when appropriate, the dismissal of a division director.

~~(3) Make recommendations concerning the salary ranges of the administrative, professional, and technical staff of the division.~~

~~(4)~~ **(3)** Review the budget needs and requests of the division and make recommendations concerning the needs and requests to the governor through the director.

~~(5)~~ **(4)** Recommend that the department accept or reject, hold, or dispose of grants of property to be administered by the division for the purpose of preservation, research, or interpretation of significant areas, events, or grants to citizens of Indiana for the purpose of preserving, studying, and interpreting archeological and natural phenomena, cultural trends, and accomplishments.

~~(6)~~ **(5)** Review, guide, and assist in the development of statewide outreach programs.

~~(7)~~ **(6)** Review, guide, and assist in the development of professionalism of the staff and operations.

~~(8)~~ **(7)** Review, recommend, and devise methods to enable the division to do the following:

~~(1)~~ **(A)** Increase the division's physical plant.

~~(2)~~ **(B)** Expand the educational areas.

~~(3)~~ **(C)** Meet storage needs.

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~~(9)~~ (8) Develop a plan of growth to meet physical, program, and financial needs for both the immediate and long range future, monitor the plan at regular intervals, and ensure that the institution stays within the developed plan.

~~(10)~~ (9) Recommend policies, procedures, and practices that the commission, the director, and the secretary shall consider.

~~(11)~~ (10) Give advice or make recommendations to the governor and the general assembly when requested or on the initiative of the trustees.

~~(12)~~ (11) Review the conduct of the work of the division. To implement this duty, the trustees have access at any reasonable time to copies of all records pertaining to the work of the division.

~~(13)~~ (12) Adopt bylaws consistent with this chapter for the division's internal control and management and file a copy of the bylaws with the director.

~~(14)~~ (13) Hold meetings at the times and places in Indiana that are prescribed by the bylaws, but at least quarterly.

~~(15)~~ (14) Keep minutes of the transactions of each regular and special meeting and file the minutes with the director. The minutes are public records.

~~(16)~~ (15) Promote the welfare of the division.

~~(17)~~ (16) Make recommendations concerning the administration of the fund established by section 24 of this chapter.

SECTION 7. IC 14-20-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]:

Chapter 1.1. Historic Site Fund

Sec. 1. As used in this chapter, "fund" refers to the historic site fund established as a dedicated fund by section 2 of this chapter.

Sec. 2. (a) The historic site fund is established to assist in providing funding for educational programs and the maintenance and operation of historic sites. The fund shall be administered by the division.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund is annually appropriated to the division for purposes established in this section.

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1 **Sec. 3. (a) The fund consists of proceeds from sales and leases**
2 **under IC 14-20-1-23(b) and other proceeds generated by the**
3 **historic sites.**

4 **(b) At least fifty-one percent (51%) of the funds collected from**
5 **a particular historic site must be used to benefit that site.**

6 **SECTION 8. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1116 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 12, nays 0.

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